

**RESOLUTION OF THE COMMON COUNCIL  
OF THE CITY OF NEW ALBANY  
TO ADOPT AND AUTHORIZE SUBMISSION OF THE CDBG  
FY2008 ONE-YEAR ACTION PLAN**

- WHEREAS,** the Congress of the United States has made available through the Housing and Community Development Act of 1974, as amended and extended, funds to aid in the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, especially for low- and moderate-income households; and
- WHEREAS,** under the above act of Congress, the Community Development Block Grant (CDBG) Entitlement Program has been made available to communities through the U. S. Department of Housing and Urban Development (HUD); and
- WHEREAS,** the U. S. Office of Management and Budget has determined that the City of New Albany is eligible for funding under the CDBG Entitlement Program for FY 2008; and
- WHEREAS,** the City of New Albany intends to participate in the FY 2008 CDBG Entitlement Program; and
- WHEREAS,** on March 11, 2008, the New Albany Redevelopment Commission held two Public Hearings for the purpose of soliciting citizen views on the housing, economic opportunity, and suitable living environment needs of New Albany; and
- WHEREAS,** based on the aforementioned public hearings, the Redevelopment Commission did prepare and disseminate to citizens a draft One-Year Action Plan-FY2008 ("Action Plan"); and
- WHEREAS,** the New Albany Redevelopment Commission held Public Meetings on March 05 and April 08, 2008 for the purpose of soliciting citizens views on the Action Plan; and
- WHEREAS,** on May 13, 2008, considering all citizen input and comments, the Redevelopment Commission adopted the Action Plan, Exhibit A;

**RESOLUTION NO: R-08-22**

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of New Albany:

1. adopts, by reference, the FY08 One-Year Action Plan; and
2. directs and authorizes Douglas B. England, Mayor, to submit to HUD the FY2008 One-Year Action Plan, and all understandings and assurances contained therein, and to act as the official representative of the City in connection with the submission of the Action Plan and to provide such additional information as may be required.

**PASSED** and **ADOPTED** by the Common Council, of the City of New Albany, this 15<sup>th</sup> day of May, 2008.

\_\_\_\_\_  
Jeff Gahan, President  
Common Council

ATTEST:

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

**PRESENTED** by me to the Mayor of the City of New Albany, Indiana, on this \_\_\_\_ day of May, 2008.

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

**ACCEPTED** and **APPROVED** by me this \_\_\_\_ day of May, 2008.

\_\_\_\_\_  
Douglas B. England, Mayor  
City of New Albany, Indiana

ATTEST:

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

**RESOLUTION NO. R-08-23**  
**NEW ALBANY COMMON COUNCIL**

**APPROVING A DECLARATORY RESOLUTION  
AND REDEVELOPMENT PLAN OF THE  
REDEVELOPMENT COMMISSION OF  
THE CITY OF NEW ALBANY, INDIANA, AND APPROVING THE  
ORDER OF THE NEW ALBANY CITY PLAN COMMISSION**

WHEREAS, the City of New Albany ("City") Redevelopment Commission ("Commission"), on the 13th day of May, 2008, initially approved a Redevelopment Plan ("Plan") for the **Loop Island/Tannery District Redevelopment Area** ("Area") in the City and adopted a declaratory resolution initially declaring that the Area is a blighted area and subject to redevelopment activities pursuant to IC 36-7-14 and IC 36-7-25 ("Act"); and

WHEREAS, the New Albany City Plan Commission ("Plan Commission") approved the Plan and Declaratory Resolution; and

WHEREAS the Act requires approval of the Declaratory Resolution and the Plan and the action of the Plan Commission by the Common Council of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY,  
AS FOLLOWS:

1. The Plan for the Area is in all respects approved, ratified and confirmed by the Common Council.
2. The action of the Plan Commission approving the Plan and the Declaratory Resolution is in all respects approved, ratified and confirmed by the Common Council.
3. The City Clerk is hereby directed to file a copy of the Declaratory Resolution, the Plan and the approving Order of the Plan Commission with the permanent minutes of this meeting.
4. This resolution shall be effective from and after passage.

PASSED AND ADOPTED by the Common Council of the City of New Albany, Indiana,  
this \_\_\_\_ day of \_\_\_\_\_, 2008.

COMMON COUNCIL OF THE CITY OF NEW  
ALBANY, INDIANA

\_\_\_\_\_  
Jeff Gahan, President

ATTEST:

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

Presented by me to the Mayor of the City of New Albany, Indiana, this \_\_\_\_ day of  
\_\_\_\_\_, 2008.

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

Signed and approved by me, the Mayor of the City of New Albany, Indiana, on this  
\_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Douglas B. England, Mayor

**Resolution No. R-08-24**

**RESOLUTION OF THE CITY OF NEW ALBANY  
APPROVING AN AMENDATORY DECLARATORY RESOLUTION  
AND ECONOMIC DEVELOPMENT PLAN OF THE  
REDEVELOPMENT COMMISSION OF THE  
CITY OF NEW ALBANY, INDIANA, AND APPROVING  
AN ORDER OF THE NEW ALBANY CITY PLAN COMMISSION**

WHEREAS, the City of New Albany ("City") Redevelopment Commission ("Commission") has, on the 9<sup>th</sup> day of February, 1994, adopted a declaratory resolution, as amended on September 13, 2005, and as further amended on February 26, 2008 (collectively, as amended, "Declaratory Resolution") initially approving the economic development area known as the **"Park East Industrial Park Economic Development Area"** ("Original Area") as an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act") and designated an allocation area within the Original Area ("Original Allocation Area"); and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan ("Original Plan") for the Original Area which Original Plan contained specific recommendations for economic development in the Original Area;

WHEREAS, the Declaratory Resolution established an allocation area in accordance with IC 36-7-14-39 ("Original Allocation Area") for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area;

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the New Albany City Plan Commission ("Plan Commission") and the Plan Commission issued its written order approving the Declaratory Resolution and the Original Plan;

WHEREAS, the Common Council of the City ("Common Council") adopted a resolution approving the order of the Plan Commission;

WHEREAS, the Commission on May 11, 1994, conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed, and after the conclusion of the public hearing adopted a resolution ratifying and confirming the Declaratory Resolution ("Confirmatory Resolution");

WHEREAS, the Common Council adopted resolutions approving the establishment and expansion of the Original Area;

WHEREAS, on May 13, 2008, the Commission adopted its amending Declaratory Resolution ("Amendatory Declaratory Resolution"), for the purpose of adding parcels to the Original Area and Original Allocation Area ("2008 Area"), which constitutes an enlargement of the boundaries of the Original Area and the Original Allocation Area by more than 20% to

include the 2008 Area ("Consolidated Area") and to amend the Amended Plan (collectively, as amended, "Plan"); and

WHEREAS, the Commission originally selected an economic development area, a portion of which was within the jurisdiction of the Floyd County ("Original County Area"); and

WHEREAS, contingent upon the Board of Commissioners of the County assigning the Original County Area on June 3, 2008, to the jurisdiction of the Commission; and

WHEREAS, a portion of the proposed enlargement of the Original Area is within the jurisdiction of Floyd County ("County") and is contiguous with the Original Area and located within the jurisdiction of the County;

WHEREAS, IC 36-7-14-17.5 provides that, if an amendment to a declaratory resolution will enlarge the boundaries of the Original Area by more than 20%, the Commission must use the procedures provided for the establishment of the Original Area; and

WHEREAS, the New Albany City Plan Commission ("Plan Commission"), on the 20<sup>th</sup> day of May, 2008, approved the Plan and Amendatory Declaratory Resolution; and

WHEREAS the Act requires approval of the Amendatory Declaratory Resolution, the Plan and the action of the Plan Commission by the Common Council of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY, AS FOLLOWS:

1. That the Plan for the Consolidated Area is in all respects approved, ratified and confirmed by the Common Council.
2. That the action of the Plan Commission on May 20, 2008, approving the Plan and the Amendatory Declaratory Resolution is in all respects approved, ratified and confirmed by the Common Council.
3. That the City Clerk is hereby directed to file a copy of the Amendatory Declaratory Resolution, the Plan and the approving Order of the Plan Commission with the permanent minutes of this meeting.
4. This resolution shall be effective from and after passage and approved by the Common Council of the City of New Albany.

PASSED AND ADOPTED by the Common Council of the City of New Albany, Indiana,  
this 2<sup>nd</sup> day of June, 2008, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL OF THE CITY OF NEW  
ALBANY, INDIANA

\_\_\_\_\_  
Jeff Gahan, President

ATTEST:

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

**Resolution No. R-08-25**

**RESOLUTION OF THE CITY OF NEW ALBANY  
APPROVING AN AMENDATORY DECLARATORY RESOLUTION  
AND ECONOMIC DEVELOPMENT PLAN OF THE  
REDEVELOPMENT COMMISSION OF THE  
CITY OF NEW ALBANY, INDIANA, AND APPROVING  
AN ORDER OF THE NEW ALBANY CITY PLAN COMMISSION**

WHEREAS, the City of New Albany ("City") Redevelopment Commission ("Commission") has, on the 12<sup>th</sup> day of February, 2003, adopted a declaratory resolution ("Declaratory Resolution") initially approving the economic development area known as the **"Old Monon Corridor Economic Development Area"** ("Original Area") as an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act") and designated an allocation area within the Original Area ("Original Allocation Area"); and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan ("Original Plan") for the Original Area which Original Plan contained specific recommendations for economic development in the Original Area;

WHEREAS, the Declaratory Resolution established an allocation area in accordance with IC 36-7-14-39 ("Original Allocation Area") for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area;

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the New Albany City Plan Commission ("Plan Commission") and the Plan Commission issued its written order approving the Declaratory Resolution and the Original Plan;

WHEREAS, the Common Council of the City ("Common Council") adopted a resolution approving the order of the Plan Commission;

WHEREAS, the Commission on February 28, 2008, conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed, and after the conclusion of the public hearings adopted resolutions ratifying and confirming the Declaratory Resolution ("Confirmatory Resolution");

WHEREAS, the Common Council adopted a resolution approving the establishment of the Original Area;

WHEREAS, on May 13, 2008, the Commission adopted its amending Declaratory Resolution ("Amendatory Declaratory Resolution"), for the purpose of: (i) adding parcels to the Original Area and Original Allocation Area ("2008 Area"), which constitutes an enlargement of the boundaries of the Original Area and the Original Allocation Area by more than 20% to



include the 2008 Area (hereinafter, "Consolidated Area"); and (ii) to amend the Original Plan to add certain local public improvements to the project list (collectively, as amended, "Plan"); and

WHEREAS, IC 36-7-14-17.5 provides that, if an amendment to a declaratory resolution will enlarge the boundaries of the Original Area by more than 20%, the Commission must use the procedures provided for the establishment of the Original Area; and

WHEREAS, the New Albany City Plan Commission ("Plan Commission"), on the 20<sup>th</sup> day of May, 2008, approved the Plan and Amendatory Declaratory Resolution; and

WHEREAS the Act requires approval of the Amendatory Declaratory Resolution, the Plan and the action of the Plan Commission by the Common Council of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY, AS FOLLOWS:

1. That the Plan for the Consolidated Area is in all respects approved, ratified and confirmed by the Common Council.
2. That the action of the Plan Commission on May 20, 2008, approving the Plan and the Amendatory Declaratory Resolution is in all respects approved, ratified and confirmed by the Common Council.
3. That the City Clerk is hereby directed to file a copy of the Amendatory Declaratory Resolution, the Plan and the approving Order of the Plan Commission with the permanent minutes of this meeting.
4. This resolution shall be effective from and after passage and approved by the Common Council of the City of New Albany.

PASSED AND ADOPTED by the Common Council of the City of New Albany, Indiana, this 2nd day of May, 2008, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL OF THE CITY OF NEW  
ALBANY, INDIANA

\_\_\_\_\_  
Jeff Gahan, President

ATTEST:

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

**Resolution No. R-08-26**

**RESOLUTION OF THE CITY OF NEW ALBANY  
APPROVING AN AMENDATORY DECLARATORY RESOLUTION  
AND ECONOMIC DEVELOPMENT PLAN OF THE  
REDEVELOPMENT COMMISSION OF THE  
CITY OF NEW ALBANY, INDIANA, AND APPROVING  
AN ORDER OF THE NEW ALBANY CITY PLAN COMMISSION**

WHEREAS, the City of New Albany ("City") Redevelopment Commission ("Commission") has, on the 14th day of August, 1996, as amended on January 22, 1997, adopted a declaratory resolution ("Declaratory Resolution") initially approving the economic development area known as the **"State Street Parking Garage Economic Development Area"** ("Original Area") as an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act") and designated an allocation area within the Original Area ("Original Allocation Area"); and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan, as amended ("Original Plan") for the Original Area which Original Plan contained specific recommendations for economic development in the Original Area;

WHEREAS, the Declaratory Resolution established an allocation area in accordance with IC 36-7-14-39 ("Original Allocation Area") for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area;

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the New Albany City Plan Commission ("Plan Commission") and the Plan Commission issued its written orders approving the Declaratory Resolution and the Original Plan;

WHEREAS, the Common Council of the City ("Common Council") adopted resolutions approving the orders of the Plan Commission;

WHEREAS, the Commission on September 11, 1996, conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed, and after the conclusion of the public hearings adopted resolutions ratifying and confirming the Declaratory Resolution ("Confirmatory Resolution");

WHEREAS, the Common Council adopted resolutions approving the establishment and expansion of the Original Area;

WHEREAS, on May 13, 2008, the Commission adopted its amending Declaratory Resolution ("Amendatory Declaratory Resolution"), for the purpose of adding parcels to the Original Area and Original Allocation Area ("2008 Area"), which constitutes an enlargement of the boundaries of the Original Area and the Original Allocation Area by more than 20% to

include the 2008 Area ("Consolidated Area") and to amend the Amended Plan to add certain local public improvements to the project list (collectively, as amended, "Plan"); and

WHEREAS, IC 36-7-14-17.5 provides that, if an amendment to a declaratory resolution will enlarge the boundaries of the Original Area by more than 20%, the Commission must use the procedures provided for the establishment of the Original Area; and

WHEREAS, the New Albany City Plan Commission ("Plan Commission"), on the 20<sup>th</sup> day of May, 2008, approved the Plan and Amendatory Declaratory Resolution; and

WHEREAS the Act requires approval of the Amendatory Declaratory Resolution, the Plan and the action of the Plan Commission by the Common Council of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY, AS FOLLOWS:

1. That the Plan for the Consolidated Area is in all respects approved, ratified and confirmed by the Common Council.

2. That the action of the Plan Commission on May 20, 2008, approving the Plan and the Amendatory Declaratory Resolution is in all respects approved, ratified and confirmed by the Common Council.

3. That the City Clerk is hereby directed to file a copy of the Amendatory Declaratory Resolution, the Plan and the approving Order of the Plan Commission with the permanent minutes of this meeting.

4. This resolution shall be effective from and after passage and approved by the Common Council of the City of New Albany.

PASSED AND ADOPTED by the Common Council of the City of New Albany, Indiana, this 2nd day of June, 2008, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL OF THE CITY OF NEW  
ALBANY, INDIANA

\_\_\_\_\_  
Jeff Gahan, President

ATTEST:

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

**Resolution No. R-08-27**

**RESOLUTION OF THE CITY OF NEW ALBANY  
APPROVING AN AMENDATORY DECLARATORY RESOLUTION  
AND ECONOMIC DEVELOPMENT PLAN OF THE  
REDEVELOPMENT COMMISSION OF THE  
CITY OF NEW ALBANY, INDIANA, AND APPROVING  
AN ORDER OF THE NEW ALBANY CITY PLAN COMMISSION**

WHEREAS, the City of New Albany ("City") Redevelopment Commission ("Commission") has, on the 17<sup>th</sup> day of October, 2000, as amended on September 13, 2005, adopted a declaratory resolution ("Declaratory Resolution") initially approving the economic development area known as the **"Charlestown Road Economic Development Area"** ("Original Area") as an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act") and designated an allocation area within the Original Area ("Original Allocation Area"); and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan, as amended ("Original Plan") for the Original Area which Original Plan contained specific recommendations for economic development in the Original Area;

WHEREAS, the Declaratory Resolution established an allocation area in accordance with IC 36-7-14-39 ("Original Allocation Area") for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area;

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the New Albany City Plan Commission ("Plan Commission") and the Plan Commission issued its written orders approving the Declaratory Resolution and the Original Plan;

WHEREAS, the Common Council of the City ("Common Council") adopted resolutions approving the orders of the Plan Commission;

WHEREAS, the Commission on November 8, 2000, conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed, and after the conclusion of the public hearings adopted resolutions ratifying and confirming the Declaratory Resolution ("Confirmatory Resolution");

WHEREAS, the Common Council adopted resolutions approving the establishment and expansion of the Original Area;

WHEREAS, on May 13, 2008, the Commission adopted its amending Declaratory Resolution ("Amendatory Declaratory Resolution"), for the purpose of adding parcels to the Original Area and Original Allocation Area ("2008 Area"), which constitutes an enlargement of the boundaries of the Original Area and the Original Allocation Area by more than 20% to include the 2008 Area ("Consolidated Area") and to amend the Amended Plan to add certain local public improvements to the project list (collectively, as amended, "Plan"); and

WHEREAS, IC 36-7-14-17.5 provides that, if an amendment to a declaratory resolution will enlarge the boundaries of the Original Area by more than 20%, the Commission must use the procedures provided for the establishment of the Original Area; and

WHEREAS, the New Albany City Plan Commission ("Plan Commission"), on the 20<sup>th</sup> day of May, 2008, approved the Plan and Amendatory Declaratory Resolution; and

WHEREAS the Act requires approval of the Amendatory Declaratory Resolution, the Plan and the action of the Plan Commission by the Common Council of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY, AS FOLLOWS:

1. That the Plan for the Consolidated Area is in all respects approved, ratified and confirmed by the Common Council.
2. That the action of the Plan Commission on May 20, 2008, approving the Plan and the Amendatory Declaratory Resolution is in all respects approved, ratified and confirmed by the Common Council.
3. That the City Clerk is hereby directed to file a copy of the Amendatory Declaratory Resolution, the Plan and the approving Order of the Plan Commission with the permanent minutes of this meeting.
4. This resolution shall be effective from and after passage and approved by the Common Council of the City of New Albany.

PASSED AND ADOPTED by the Common Council of the City of New Albany, Indiana, this 2nd day of June, 2008, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL OF THE CITY OF NEW  
ALBANY, INDIANA

\_\_\_\_\_  
Jeff Gahan, President

ATTEST:

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

## RESOLUTION NO. R-08-28

### COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA REGARDING THE EXPANSION OF THE OLD MONON CORRIDOR ECONOMIC DEVELOPMENT AREA

WHEREAS, the City of New Albany ("City") Redevelopment Commission ("Commission") has, on the 12<sup>th</sup> day of February, 2003, adopted a declaratory resolution ("Declaratory Resolution") initially approving the economic development area known as the **"Old Monon Corridor Economic Development Area"** ("Original Area") as an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act") and designated an allocation area within the Original Area; and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan ("Original Plan") for the Original Area which Original Plan contained specific recommendations for economic development in the Original Area;

WHEREAS, the Declaratory Resolution established an allocation area in accordance with IC 36-7-14-39 ("Original Allocation Area") for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area;

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the New Albany City Plan Commission ("Plan Commission") and the Plan Commission issued its written order approving the Declaratory Resolution and the Original Plan;

WHEREAS, the Common Council of the City ("Common Council") adopted a resolution approving the order of the Plan Commission;

WHEREAS, the Commission on February 28, 2008, conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed, and after the conclusion of the public hearing adopted a resolution ratifying and confirming the Declaratory Resolution ("Confirmatory Resolution");

WHEREAS, the Common Council adopted a resolution approving the establishment of the Original Area;

WHEREAS, on May 13, 2008, the Commission adopted its amending Declaratory Resolution ("Amendatory Declaratory Resolution"), for the purpose of: (i) adding parcels to the Original Area ("2008 Area"), which constitutes an enlargement of the boundaries of the Original Area by more than 20% to include the 2008 Area ("Consolidated Area"); and (ii) amending the Original Plan to include certain local public improvements (as amended, "Plan"); and

WHEREAS, IC 36-7-14-41(c) requires that the determination that a geographic area is an economic development area be approved by the Common Council of the City; and

WHEREAS, the Common Council reviewed the Amendatory Declaratory Resolution as confirmed, the Commission's Plan, as further amended, approved by the Amendatory Declaratory Resolution and the written order of the New Albany City Plan Commission regarding the Amendatory Declaratory Resolution and the Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA THAT:

1. The Common Council hereby finds and determines that it will be in the best interests of the City to enlarge the boundaries of the Original Area as described in the Amendatory Declaratory Resolution and include certain local public improvements in the project list.

2. The Common Council hereby finds and determines that it will be in the best interest of the City to amend the Plan as described in the Amendatory Declaratory Resolution.

3. The enlargement of the Original Area as described in the Amendatory Declaratory Resolution and the amendment to the Plan are hereby approved.

4. This resolution shall be effective from and after passage.

PASSED AND ADOPTED by the Common Council of the City of New Albany, Indiana, this 2<sup>nd</sup> day of June, 2008, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL OF THE CITY OF NEW  
ALBANY, INDIANA

\_\_\_\_\_  
Jeff Gahan, President

ATTEST:

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

**RESOLUTION NO. R-08-29**

**COMMON COUNCIL OF THE  
CITY OF NEW ALBANY, INDIANA  
REGARDING THE EXPANSION OF THE  
CHARLESTOWN ROAD  
ECONOMIC DEVELOPMENT AREA**

WHEREAS, the City of New Albany ("City") Redevelopment Commission ("Commission") has, on the 17<sup>th</sup> day of October, 2000, adopted a Declaratory Resolution, as amended on September 13, 2005 ("Declaratory Resolution") initially approving the economic development area known as the **"Charlestown Road Economic Development Area"** ("Original Area") as an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act") and designated an allocation area within the Original Area; and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan, as amended ("Original Plan") for the Original Area which Original Plan contained specific recommendations for economic development in the Original Area;

WHEREAS, the Declaratory Resolution established an allocation area in accordance with IC 36-7-14-39 ("Original Allocation Area") for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area;

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the New Albany City Plan Commission ("Plan Commission") and the Plan Commission issued its written orders approving the Declaratory Resolution and the Original Plan;

WHEREAS, the Common Council of the City ("Common Council") adopted resolutions approving the orders of the Plan Commission;

WHEREAS, the Commission on November 8, 2000, conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed, and after the conclusion of the public hearing adopted a resolution ratifying and confirming the Declaratory Resolution ("Confirmatory Resolution");

WHEREAS, the Common Council adopted resolutions approving the establishment and expansion of the Original Area;

WHEREAS, on May 13, 2008, the Commission adopted its amending Declaratory Resolution ("Amendatory Declaratory Resolution"), for the purpose of adding parcels to the Original Area ("2008 Area"), which constitutes an enlargement of the boundaries of the Original Area by more than 20% to include the 2008 Area ("Consolidated Area") and to amend the Original Plan to include certain local public improvements (as amended, "Plan"); and



WHEREAS, IC 36-7-14-41(c) requires that the determination that a geographic area is an economic development area be approved by the Common Council of the City; and

WHEREAS, the Common Council reviewed the Amendatory Declaratory Resolution as confirmed, the Commission's Plan, as further amended, approved by the Amendatory Declaratory Resolution and the written order of the New Albany City Plan Commission regarding the Amendatory Declaratory Resolution and the Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA THAT:

1. The Common Council hereby finds and determines that it will be in the best interests of the City to enlarge the boundaries of the Original Area as described in the Amendatory Declaratory Resolution.

2. The Common Council hereby finds and determines that it will be in the best interest of the City to amend the Plan as described in the Amendatory Declaratory Resolution.

3. The enlargement of the Original Area as described in the Amendatory Declaratory Resolution and the amendment to the Plan are hereby approved.

4. This resolution shall be effective from and after passage.

PASSED AND ADOPTED by the Common Council of the City of New Albany, Indiana, this 2<sup>nd</sup> day of June, 2008, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL OF THE CITY OF NEW  
ALBANY, INDIANA

\_\_\_\_\_  
Jeff Gahan, President

ATTEST:

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

RESOLUTION NO. R-08-30

COMMON COUNCIL OF THE  
CITY OF NEW ALBANY, INDIANA  
REGARDING THE EXPANSION OF THE  
STATE STREET PARKING GARAGE  
ECONOMIC DEVELOPMENT AREA

WHEREAS, the City of New Albany ("City") Redevelopment Commission ("Commission") has, on the 14th day of August, 1996, adopted a Declaratory Resolution, as amended on January 22, 1997 ("Declaratory Resolution") initially approving the economic development area known as the **"State Street Parking Garage Economic Development Area"** ("Original Area") as an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act") and designated an allocation area within the Original Area; and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan, as amended ("Original Plan") for the Original Area which Original Plan contained specific recommendations for economic development in the Original Area;

WHEREAS, the Declaratory Resolution established an allocation area in accordance with IC 36-7-14-39 ("Original Allocation Area") for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area;

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the New Albany City Plan Commission ("Plan Commission") and the Plan Commission issued its written orders approving the Declaratory Resolution and the Original Plan;

WHEREAS, the Common Council of the City ("Common Council") adopted resolutions approving the orders of the Plan Commission;

WHEREAS, the Commission on September 11, 1996, conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed, and after the conclusion of the public hearing adopted a resolution ratifying and confirming the Declaratory Resolution ("Confirmatory Resolution");

WHEREAS, the Common Council adopted resolutions approving the establishment and expansion of the Original Area;

WHEREAS, on May 13, 2008, the Commission adopted its amending Declaratory Resolution ("Amendatory Declaratory Resolution"), for the purpose of adding parcels to the Original Area ("2008 Area"), which constitutes an enlargement of the boundaries of the Original Area by more than 20% to include the 2008 Area ("Consolidated Area") and to amend the Original Plan to include certain local public improvements (as amended, "Plan"); and

WHEREAS, IC 36-7-14-41(c) requires that the determination that a geographic area is an economic development area be approved by the Common Council of the City; and

WHEREAS, the Common Council reviewed the Amendatory Declaratory Resolution as confirmed, the Commission's Plan, as further amended, approved by the Amendatory Declaratory Resolution and the written order of the New Albany City Plan Commission regarding the Amendatory Declaratory Resolution and the Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA THAT:

1. The Common Council hereby finds and determines that it will be in the best interests of the City to enlarge the boundaries of the Original Area as described in the Amendatory Declaratory Resolution.

2. The Common Council hereby finds and determines that it will be in the best interest of the City to amend the Plan as described in the Amendatory Declaratory Resolution.

3. The enlargement of the Original Area as described in the Amendatory Declaratory Resolution and the amendment to the Plan are hereby approved.

4. This resolution shall be effective from and after passage.

PASSED AND ADOPTED by the Common Council of the City of New Albany, Indiana, this 2<sup>nd</sup> day of June, 2008, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL OF THE CITY OF NEW  
ALBANY, INDIANA

\_\_\_\_\_  
Jeff Gahan, President

ATTEST:

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

## RESOLUTION NO. R-08-31

### COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA REGARDING THE EXPANSION OF THE PARK EAST INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA

WHEREAS, the City of New Albany ("City") Redevelopment Commission ("Commission") has, on the 9<sup>th</sup> day of February, 1994, adopted a declaratory resolution, as amended on September 13, 2005, and as further amended on February 26, 2008 (collectively, as amended, "Declaratory Resolution") initially approving the economic development area known as the **"Park East Industrial Park Economic Development Area"** ("Original Area") as an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act") and designated an allocation area within the Original Area; and

WHEREAS, the Declaratory Resolution approved the Economic Development Plan ("Original Plan") for the Original Area which Original Plan contained specific recommendations for economic development in the Original Area;

WHEREAS, the Declaratory Resolution established an allocation area in accordance with IC 36-7-14-39 ("Original Allocation Area") for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area;

WHEREAS, the Commission submitted the Declaratory Resolution and supporting data to the New Albany City Plan Commission ("Plan Commission") and the Plan Commission issued its written orders approving the Declaratory Resolution and the Original Plan;

WHEREAS, the Common Council of the City ("Common Council") adopted a resolution approving the order of the Plan Commission;

WHEREAS, the Commission on May 11, 1994, conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrances and objections that were filed, and after the conclusion of the public hearing adopted a resolution ratifying and confirming the Declaratory Resolution ("Confirmatory Resolution");

WHEREAS, the Common Council adopted resolutions approving the establishment and expansion of the Original Area;

WHEREAS, on May 13, 2008, the Commission adopted its amending Declaratory Resolution ("Amendatory Declaratory Resolution"), for the purpose of: (i) adding parcels to the Original Area ("2008 Area"), which constitutes an enlargement of the boundaries of the Original Area by more than 20% to include the 2008 Area ("Consolidated Area"); and (ii) amending the Original Plan to include the construction of certain local public improvements, including road improvements, to the project list (as amended, "Plan"); and

WHEREAS, the Commission originally selected an economic development area, a portion of which was within the jurisdiction of the Floyd County ("Original County Area"); and

WHEREAS, contingent upon Board of Commissioners of the County, assigning the Original County Area on June 3, 2008 to the jurisdiction of the Commission; and

WHEREAS, a portion of the proposed enlargement of the Original Area is within the jurisdiction of Floyd County ("County") and is contiguous with the Original Area and located within the jurisdiction of the County Commission;

WHEREAS, IC 36-7-14-41(c) requires that the determination that a geographic area is an economic development area be approved by the Common Council of the City; and

WHEREAS, the Common Council reviewed the Amendatory Declaratory Resolution as confirmed and ratified, the Commission's Plan, as further amended, approved by the Amendatory Declaratory Resolution and the written order of the New Albany City Plan Commission regarding the Amendatory Declaratory Resolution and the Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA THAT:

1. The Common Council hereby finds and determines that it will be in the best interests of the City to enlarge the boundaries of the Original Area and to add certain local public improvements, including road improvements, to the project list, as described in the Amendatory Declaratory Resolution.
2. The Common Council hereby finds and determines that it will be in the best interest of the City to amend the Plan as described in the Amendatory Declaratory Resolution.
3. The enlargement of the Original Area as described in the Amendatory Declaratory Resolution and the amendment to the Plan are hereby approved.
4. This resolution shall be effective from and after passage.

PASSED AND ADOPTED by the Common Council of the City of New Albany, Indiana, this 2<sup>nd</sup> day of June, 2008, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL OF THE CITY OF NEW  
ALBANY, INDIANA

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Jeff Gahan, President

ATTEST:

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Marcey J. Wisman, City Clerk

RESOLUTION NO. R-08-32

**A RESOLUTION DECLARING AN EMERGENCY REQUIRING THE  
TEMPORARY TRANSFER OF FUNDS FOR A PRESCRIBED PERIOD TO A  
DEPLETED FUND FOR CASH FLOW PURPOSES ONLY**

**WHEREAS, I.C. 36-1-8-4-(a) prescribes the process for a temporary transfer, and**

**WHEREAS, the city may be experiencing a cash flow problem until a request for an advanced settlement of taxes is fulfilled by the county treasurer and auditor (see attached letter) and the payment of the regular EDIT settlement for May and the regular CAGIT settlement for May is received, therefore,**

**BE IT RESOLVED by the Common Council of the City of New Albany that:**

- 1. The Common Council of the City of New Albany declares than an emergency exists regarding cash flow; and,**
- 2. There is sufficient cash flow in the TIF funds that can be temporarily transferred; and,**
- 3. That the payback date will be the Spring tax settlement date which may be December 31, 2008; and**
- 4. That the amount to be transferred will not exceed \$2,500,000. This transfer will be done only if absolutely necessary and in increments necessary to cover current expenses. If the request for advance of tax money and the May EDIT AND CAGIT settlements are received before the two large payrolls in June, no transfer from TIF funds will be done unless absolutely necessary.**

**NOW, THEREFORE, BE IT RATIFIED THAT THIS RESOLUTION BE  
APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008.**

\_\_\_\_\_  
**JEFF GAHAN, PRESIDENT  
COMMON COUNCIL, CITY OF NEW ALBANY**

**ATTEST: \_\_\_\_\_  
MARCEY WISMAN, CITY CLERK**

**PRESENTED BY ME TO THE MAYOR OF THE CITY OF NEW ALBANY THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2008. TIME: \_\_\_\_\_**

\_\_\_\_\_  
**MARCEY WISMAN, CITY CLERK**

**ACCEPTED AND APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.**

\_\_\_\_\_  
**DOUGLAS B. ENGLAND, MAYOR  
CITY OF NEW ALBANY, INDIANA**

**ATTEST: \_\_\_\_\_  
MARCEY WISMAN, CITY CLERK**

Yes

R-08-33

After many years of rumors and confusion, the people living in said areas ask that a zoning change take place to protect our neighborhood. Boundaries are hereby described: West 4<sup>th</sup> Street west to west 10<sup>th</sup> Street and Falling Run Creek south to Main street. This will not include the properties of: Main Street, or the property located between West 4<sup>th</sup> Street and West 5<sup>th</sup> Street. The new zoning will not affect existing business and allows their current zoning to be maintained. Proposed zoning will be RN1, Neighborhood Residential. This district is designated for higher density single-family development and two -family dwellings where approved through conditional use.

NAME

ADRESS

Melissa A Coffey

425 W. 7<sup>th</sup> St NA.

Ernie Bunker Jr.

704 W. Spring St

Chaffin

708 W. SPRING ST.

Mary A. Bennett

721 W. Spring ST.

CHARLES Simpson

324 W 8<sup>th</sup> St.

Rita Haas

313 W. 8<sup>th</sup> St

Douglas E. Hardin

314 West 8<sup>th</sup> St

Debbie Case

311 W. 8<sup>th</sup> St.

GARY W. CASE

321 "

Roger Davis

723 W. MARKET St

J.R. Stuart

724 W. MARKET ST

William A. McBae

420 W. 7<sup>th</sup> St.

Holly DeVall

618 W Spring St.



**BILL NO.** A-08-07

**ORDINANCE NO.** \_\_\_\_\_

**ADDITIONAL APPROPRIATION ORDINANCE FOR  
THE LOCAL ROADS AND STREETS FUND**

**WHEREAS** it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget, now, therefore,

**SECTION ONE.** Be it ordained by the Common Council of the City of New Albany, Floyd County, that for the expenses of the taxing unit the following sum of money is hereby appropriated out of the fund named and for the purposes specified, subject to the laws governing the same.

<b>FUND</b>	<b>AMOUNT REQUESTED</b>
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**LOCAL ROADS AND STREETS FUND**

Paving of Roads and Streets 02002-302-4490.0	\$500,000
----------------------------------------------	-----------

**ADOPTED THIS** \_\_\_\_ **DAY OF** \_\_\_\_\_, 2008.

\_\_\_\_\_  
**JEFF GAHAN, PRESIDENT  
COMMON COUNCIL, CITY OF NEW ALBANY**

**ATTEST:** \_\_\_\_\_  
**MARCEY WISMAN, CITY CLERK**

**PRESENTED BY ME TO THE MAYOR THIS** \_\_\_\_ **DAY OF** \_\_\_\_\_, 2008.  
**TIME:** \_\_\_\_\_

\_\_\_\_\_  
**MARCEY WISMAN, CITY CLERK**

**ACCEPTED AND APPROVED BY ME THIS** \_\_\_\_ **DAY OF** \_\_\_\_\_, 2008.

\_\_\_\_\_  
**DOUGLAS B. ENGLAND, MAYOR  
NEW ALBANY, INDIANA**

**ATTEST:** \_\_\_\_\_  
**MARCEY WISMAN, CITY CLERK**

## NOTICE TO TAXPAYERS OF ADDITIONAL APPROPRIATION

Notice is hereby given the taxpayers of City of New Albany, Floyd County, Indiana, that the proper and legal officers will consider the following additional appropriation in excess of the budget for the current year at their regular meeting place at the Assembly Room, Third Floor, City County Building at 7:15 P.M. on the 2nd day of June, 2008.

### LOCAL ROADS AND STREETS FUND

#### AMOUNT REQUESTED

Paving of roads and streets 02001-302-4490.0	\$500,000
----------------------------------------------	-----------

TOTAL LOCAL ROADS/STREETS	\$500,000
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Taxpayers appearing at the meeting will have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (DLGF). The DLGF will make a written determination as to the sufficiency of the funds to support the appropriations made within fifteen (15) days of receipt of a certified copy of the action taken.

Publication Dates: May 22 and 29, 2008      Kathlyn M. Garry, Controller

ORDINANCE  
AMENDING THE CODE OF ORDINANCES OF NEW ALBANY, INDIANA  
TITLE XV CHAPTER 156  
(Docket P-04-08: Gary McCartin)

**BE IT ORDAINED** by the Common Council of the City of New Albany, Indiana, under the authority of Chapter 147, Acts of 1947, and all acts amendatory thereto, of the General Assembly of the State of Indiana, that the above-referenced Title and Chapter of the Code of Ordinances of New Albany, Indiana, be and the same is hereby amended as follows:

**Section 1.** That the following parcel described as follows:

**LEGAL DESCRIPTION**  
**Exhibit A**, attached,

be changed from R-2, Urban Residential district to Planned Unit Development District (PUDD) Docket P-04-08 to permit a commercial development, to include a bank, restaurant, and professional offices in accordance with **EXHIBIT B**, attached; and

**Section 2.** The land use in this PUDD shall be limited to a commercial development, to include a bank, restaurant, and professional offices.

**Section 3.** The Planned Unit Development District (PUDD) shall be developed in conformance with the PUDD Plan, said plan dated April 7, 2008 which was given an unfavorable recommendation at the April 15, 2008 New Albany City Plan Commission meeting as per **EXHIBIT B**, attached.

**Section 4.** No permits shall be issued in this PUDD until and unless a Secondary Review Plan for the Planned Unit Development District (PUDD) is approved by the Plan Commission. Such Secondary Review Plan shall be consistent with the Planned Unit Development District (PUDD) Plan (**EXHIBIT A**, attached).

**Section 5.** This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of New Albany, Indiana.

**PASSED** and **ADOPTED** by the Common Council of the City of New Albany, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
JEFF GAHAN, PRESIDENT  
COMMON COUNCIL CITY OF NEW ALBANY

ATTEST:

\_\_\_\_\_  
MARCEY J. WISMAN, CITY CLERK

**ORDINANCE**  
**AMENDING THE CODE OF ORDINANCES OF NEW ALBANY, INDIANA**  
**TITLE XV CHAPTER 156**  
*(Docket P-10-08: Silvercrest, LLC)*

**BE IT ORDAINED** by the Common Council of the City of New Albany, Indiana, under the authority of Chapter 147, Acts of 1947, and all acts amendatory thereto, of the General Assembly of the State of Indiana, that the above-referenced Title and Chapter of the Code of Ordinances of New Albany, Indiana, be and the same is hereby amended as follows:

**Section 1.** That the following parcel described as follows:

**LEGAL DESCRIPTION**  
**Exhibit B**, attached,

be changed from R-1, Suburban Residential and Open Space (steep slope) district to PUDD **P-10-08** to permit condominiums, apartments, and an assisted-living or similar facility development in accordance with **EXHIBIT A**, attached; and

**Section 2.** The land use in this PUDD shall be limited to condominiums, apartments, and an assisted-living or similar facility development as described in the Proposed Planned Unit Development District.

**Section 3.** The Planned Unit Development District (PUDD) shall be developed in conformance with the PUDD Plan, said plan dated April 25, 2008, which was given a favorable recommendation at the May 20, 2008 New Albany City Plan Commission meeting as per **EXHIBIT A**, attached, subject to the following conditions/modifications:

1. Drainage improvements shall conform to the City's Storm Water Master Plan as well as the New Albany Stormwater Board and shall be subject to review by the Plan Commission's third-party engineer (GRW Engineers, Inc.).
2. The applicant shall design, implement, and maintain a soil and erosion control plan in accordance with the Indiana Department of Environmental Management's "Rule 5". The applicant shall ensure that the public rights-of-way are maintained free of dirt, mud, and any other construction debris during the course of construction.
3. The reuse of the historic Silvercrest Hospital shall be for an assisted-living facility or similar land use. A PUDD Amendment shall be required for any land use not consistent with an assisted living facility in the historic Silvercrest Hospital building.
4. The project phasing shall be indicated on the PUDD Secondary Review Plan.
5. The approval of the New Albany Fire Prevention Bureau for all life safety measures, including water lines and hydrant locations, is incorporated herein.

6. A vegetative maintenance agreement shall be submitted as a component of the PUDD Secondary Review Plan. The easement shall protect existing vegetation in the Open Space (steep slope) portions of the site to the greatest extent feasible.
7. The applicant shall secure the services of a qualified geotechnical engineer to review and comment on the locations of the townhomes and private drive and shall submit plans as a component of the PUDD Secondary Review Plan.
8. No building permits shall be issued until the applicant secures the approval of the New Albany Sewer Board, as well as any required sewer credits and/or sewer construction permits by the Indiana Department of Environmental Management.

The actions of the NACPC and/or the Common Council of the City of New Albany do not confer nor imply any development rights until the applicant has secured any necessary sewer tap-in approvals and has been awarded sewer credits.

9. The approval is contingent upon perfection of a subdivision plat for the development.
10. The foregoing stipulations shall be incorporated in written commitments to be recorded in the office of the Floyd County Recorder. Abutting property owners, their heirs or assigns, shall have the right to enforce the written commitments. The form and content of the written commitments shall be subject to approval by the Attorney for the New Albany City Plan Commission prior to recordation.

**Section 4.** No permits shall be issued in this PUDD until and unless a Secondary Review Plan for the Planned Unit Development District (PUDD) is approved by the Plan Commission. Such Secondary Review Plan shall be consistent with the Planned Unit Development District (PUDD) Plan (**EXHIBIT A**, attached) and shall reflect the modifications/conditions enumerated in Section 3. above.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of New Albany, Indiana.

**PASSED** and **ADOPTED** by the Common Council of the City of New Albany, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

JEFF GAHAN, PRESIDENT  
COMMON COUNCIL CITY OF NEW ALBANY

ATTEST:

\_\_\_\_\_  
MARCEY WISMAN, CITY CLERK

**ORDINANCE**  
**AMENDING THE CODE OF ORDINANCES OF NEW ALBANY, INDIANA**  
**TITLE XV CHAPTER 156**  
*(Docket P-08-08: JTR Properties, LLC)*

**BE IT ORDAINED** by the Common Council of the City of New Albany, Indiana, under the authority of Chapter 147, Acts of 1947, and all acts amendatory thereto, of the General Assembly of the State of Indiana, that the above-referenced Title and Chapter of the Code of Ordinances of New Albany, Indiana, be and the same is hereby amended as follows:

**Section 1.** That the following parcel described as follows:

**LEGAL DESCRIPTION**

Exhibit B, attached,

be changed from R-4, Multi-Family (high density) district to PUDD **P-08-08** to permit a mini-storage complex in accordance with **EXHIBIT A**, attached; and

**Section 2.** The land use in this PUDD shall be limited to a mini-storage complex as described in the Proposed Planned Unit Development District.

**Section 3.** The Planned Unit Development District (PUDD) shall be developed in conformance with the PUDD Plan, said plan dated May 28, 2008, which was given a favorable recommendation at the May 20, 2008 New Albany City Plan Commission meeting as per **EXHIBIT A**, attached, subject to the following conditions/modifications:

1. The applicant shall petition the Floyd County Commissioners for a curb cut approval.
2. The applicant shall provide all necessary public improvements for the curb cut, including acceleration and/or deceleration lanes, as determined necessary by the Floyd County Engineer.
3. Signage shall be limited to one (1) principal entrance sign, subject to review by the Plan Commission at the PUDD Secondary Review.
4. The approval of the New Albany Fire Prevention Bureau for all life safety measures, including water lines and hydrant locations if required, is incorporated herein.
5. Site lighting is not to exceed 0.2 footcandles at the property line and shall not cause glare onto any adjoining residential properties.
6. Drainage improvements shall conform to the City's Storm Water Master Plan and shall be subject to review by the City Engineer.
7. The applicant shall design, implement, and maintain a soil and erosion control plan in accordance with the Indiana Department of Environmental Management's "Rule 5". The applicant shall ensure that the public rights-of-way are maintained free of dirt, mud, and any other construction debris during the course of construction.

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Ordinance No. \_\_\_\_\_

8. A landscaping and buffering plan shall be submitted as a component of the PUDD Secondary Review Plan.

**Section 4.** No permits shall be issued in this PUDD until and unless a Secondary Review Plan for the Planned Unit Development District (PUDD) is approved by the Plan Commission. Such Secondary Review Plan shall be consistent with the Planned Unit Development District (PUDD) Plan (**EXHIBIT A**, attached) and shall reflect the modifications/conditions enumerated in Section 3., above.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of New Albany, Indiana.

**PASSED** and **ADOPTED** by the Common Council of the City of New Albany, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
JEFF GAHAN, PRESIDENT  
COMMON COUNCIL CITY OF NEW ALBANY

ATTEST:

\_\_\_\_\_  
MARCEY WISMAN, CITY CLERK

ORDINANCE  
AMENDING THE CODE OF ORDINANCES  
OF

NEW ALBANY, INDIANA  
TITLE XV CHAPTER 156

*(Docket P-03-08: SDR Development Inc., and ICON Properties, LLC)*

**BE IT ORDAINED** by the Common Council of the City of New Albany, Indiana, under the authority of Chapter 147, Acts of 1947, and all acts amendatory thereto, of the General Assembly of the State of Indiana, that the above-referenced Title and Chapter of the Code of Ordinances of New Albany, Indiana, be and the same is hereby amended as follows:

**Section 1.** That the following parcel described as follows:

**LEGAL DESCRIPTION**  
**Exhibit B**, attached,

be changed from Planned Unit Development District (PUDD) P-06-06 district to PUDD **P-03-08** to permit a multi-family apartment complex in accordance with **EXHIBIT A**, attached; and

**Section 2.** The land use in this PUDD shall be limited to a multi-family apartment complex as described in the proposed Planned Unit Development District.

**Section 3.** The Planned Unit Development District (PUDD) shall be developed in conformance with the PUDD Plan, said plan dated May 13, 2008, which was given a favorable recommendation at the May 20, 2008 New Albany City Plan Commission meeting as per **EXHIBIT A**, attached, subject to the following conditions/modifications:

1. The adoption of this ordinance will void the previous PUDD for the site referenced as Docket P-06-06.
2. The applicant shall provide a right-of-way dedication to the State of Indiana for required improvements to Grant Line Road (Hwy 111). The design for said improvements shall be submitted with the PUDD Secondary Review Plan and shall include roadway blisters, curbs, gutters and sidewalks along Grant Line Road, subject to the review and approval of the County Engineer and the Indiana Department of Transportation.
3. The applicant shall provide a copy of the approved curb cut permit as a component of the PUDD Secondary Review Plan.
4. The applicant shall consult with the New Albany Sanitary Sewer Board and the property owners along the east side of Grant Line Road regarding the possible connection of those properties to sanitary sewer. The applicant shall coordinate the schedule for all roadway improvements with the New Albany Sanitary Sewer Board for the construction / expansion of any sewer lines, especially as it relates to properties located on the east side of Grant Line Road.



5. The applicant shall petition the Transit Authority of River City (TARC) for the expansion of public transportation to the site.
6. Signage shall be limited to one (1) principal entrance sign, subject to review by the Plan Commission at the PUDD Secondary Review.
7. The project phasing shall be indicated on the PUDD Secondary Review Plan.
8. The approval of the New Albany Fire Prevention Bureau for all life safety measures, including water lines and hydrant locations, is incorporated herein.
9. The PUDD Secondary Review Plan shall determine and delineate the location of any floodway or floodway fringe on the site.
10. The applicant shall seek easements or other agreements to provide pedestrian access to the properties to the north and south of the site. Pedestrian amenities are required within the development.
11. Drainage improvements shall conform to the City's Storm Water Master Plan and shall be subject to review by the Plan Commission's third-party engineer (GRW Engineers, Inc.).
12. The applicant shall design, implement, and maintain a soil and erosion control plan in accordance with the Indiana Department of Environmental Management's "Rule 5". The applicant shall ensure that the public rights-of-way are maintained free of dirt, mud, and any other construction debris during the course of construction.
13. A landscaping and buffering plan shall be submitted as a component of the PUDD Secondary Review Plan. The landscaping and buffering plan shall pay particular emphasis to the eastern property boundary along Grant Line Road (Hwy 111).
14. The applicant shall review all grade changes on the property and evaluate the construction of retaining walls, particularly along the southern property boundary, and submit such plans as a component of the PUDD Secondary Review Plan.
15. No building permits shall be issued until the applicant secures the approval of the New Albany Sewer Board, as well as any required sewer credits and/or sewer construction permits by the Indiana Department of Environmental Management.  
  
The actions of the NACPC and/or the Common Council of the City of New Albany do not confer nor imply any development rights until the applicant has secured any necessary sewer tap-in approvals and has been awarded sewer credits.
16. The applicant shall petition the City Council for voluntary annexation of the site into the corporate limits of the City.

**Section 4.** No permits shall be issued in this PUDD until and unless a Secondary Review Plan for the Planned Unit Development District (PUDD) is approved by the Plan Commission. Such Secondary Review Plan shall be consistent with the Planned Unit Development District(PUDD) Plan

Bill No. Z-08-\_\_\_\_\_

Ordinance No. \_\_\_\_\_

(**EXHIBIT A**, attached) and shall reflect the modifications/conditions enumerated in Section 3., above.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of New Albany, Indiana.

**PASSED** and **ADOPTED** by the Common Council of the City of New Albany, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
JEFF GAHAN, PRESIDENT  
COMMON COUNCIL CITY OF NEW ALBANY

ATTEST:

\_\_\_\_\_  
MARCEY WISMAN, CITY CLERK

BILL NO. 606-04

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE NEW ALBANY MUNICIPAL CODE BY  
ADDING NEW SECTION §94.30; PROVIDING FOR RESTRICTIONS ON  
NOVELTY LIGHTERS

WHEREAS, juvenile fire setting has been identified as a fire threat in the United States; and

WHEREAS, novelty lighters have features which are attractive to children, including visual effects, flashing lights, musical sounds and toy-like designs; and

WHEREAS, examples of novelty lighters which appeal to children are evidenced in the article presented to the Council with this Ordinance, and

WHEREAS, functions of novelty lighters can be reached without posing a danger to public health and safety; and

WHEREAS, the New Albany City Council finds that the dangers posed by these novelty lighters is a grave threat to the health, safety and welfare of the citizens of the City of New Albany and further finds that an emergency exists necessitating the immediate adoptions of this Ordinance.

WHEREAS, the New Albany Fire Department through it's Chief, Matthew Juliot, supports this Ordinance.

NOW, THEREFORE, be it ordained by the City Council of the City of New Albany, Indiana:

**THEREFORE**, The New Albany Municipal Code is hereby amended by adding a section to be numbered §94.30 – Novelty Lighter Restrictions which said section reads as follows:

**§ 94.30 – Novelty Lighter Restrictions.**

- § 94.31      **Prohibitions; Inapplicability.**    The retail sale, offer of retail sale, gift of or distribution of any novelty lighter within the territorial jurisdiction of the City of New Albany is subject to the following restrictions:
- (1) Novelty lighters shall be at a minimum of 48 inches off the ground, floor or surface of the facility;

- (2) *In order to purchase any novelty lighter the person must have a photographic identification, and*  
(3) Novelty lighters shall not be displayed or offered for sale with children's toys;

Any retail establishment which has a minimum age of eighteen (18) years of age for entrance into the facility is excluded from these requirements.

§ 94.32        **Definition.**    "Novelty lighter" means a lighter that has entertaining audio or visual effect, or that depicts, through the use of logos, decals, art work, or by other means, or that resembles in physical form or function articles commonly recognized as appealing to or intended for use by children ten (10) years of age or younger. This includes, but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.

§ 94.33        **Enforcement.**    The provisions of this section shall be enforced by the New Albany Fire Marshall, any police officer, any code enforcement officer, and any other City official authorized to enforce any provision of the New Albany Municipal Code.

§94.34        **Violation; Penalty.**    Any person or entity violating any provision of this section is guilty of an infraction and upon a conviction thereof, shall be subject to a fine or penalty of \$250.00 for each violation. For the purpose of violation, each day of violation shall be considered a separate offense. Fifty (50%) percent of all fines collected under the provisions of these restrictions shall be deposited into a non-reverting Fire Prevention Fund for use by the Fire Department to educate the citizens of New Albany regarding fire prevention and safety.

§94.35        **Severability Clause.**    The provisions of this ordinance are separable and, upon any finding that any provision of this ordinance is unenforceable, the remaining provisions shall be enforceable according to their terms.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
Jeff Gahan, PRESIDENT

ATTEST:

\_\_\_\_\_  
CITY CLERK

PRESENTED BY ME TO THE MAYOR OF THE CITY OF NEW ALBANY,  
INDIANA, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
CITY CLERK

ACCEPTED AND APPROVED BY ME THIS THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2008.

\_\_\_\_\_  
Douglas B. England., MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**BILL NO: Z-08-09**

**ORDINANCE NO: \_\_\_\_\_**

**AN ORDINANCE FOR THE VACATION OF AN EXISTING  
UTILITY EASEMENT PURSUANT TO A PETITION FILED BY  
VINCENT IRA HARSHEY**

**BE IT ORDAINED** by the Common Council of the City of New Albany, Indiana, pursuant to I. C. 36-7-3-12 that;

**SECTION 1.** The application filed by Vincent Ira Harshey to vacate an utility easement located in New Albany in Plat No. 1105 of the Floyd County, Indiana Records and described as follows:

A part of Tract C, Plat 1105 as shown in plat book 25, Instrument 5782, City of New Albany, Floyd County, Indiana, being a part of Vincent Ira Harshey Instrument 200616263 described as follows:

Beginning at the Northwest corner of Tract C, Plat 1105, Thence N 73 degrees 35' 44" E a distance of 102.35 feet to the Northeast corner of Tract C, Thence S 04 degrees 18' 41" E a distance of 10.23 feet, Thence S 73 degrees 35' 44" W a distance of 100.20 feet, Thence N 16 degrees 24' 16" W a distance of 10 feet along the line between Tracts B and C to THE PLACE OF BEGINNING.

Said area being designated as a 10-foot wide utility easement on Plat 1105.

Be and the same hereby is vacated.

**SECTION 2.** That the vacation of the property describe herein above is subject to the right of the City of New Albany or the appropriate utility to access, maintain, repair and/or replace any utilities, including natural or man-made drainage facilities, along the portion of the public right-of-way herein described that has been vacated.

**SECTION 3.** That the vacation of the property described herein is subject to the prior relocation of any existing utilities located therein and dedication/acceptance by the appropriate utility, including the New Albany Sewer Board, of an acceptable replacement easement.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of New Albany, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Jeff Gahan, President  
New Albany Common Council

ATTEST:

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

**PRESENTED** by me to the Mayor of the City of New Albany, Indiana for is approval  
and signature this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Marcey J. Wisman, City Clerk

**ACCEPTED AND APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_,  
2008.

\_\_\_\_\_  
Douglas B. England, Mayor  
City of New Albany, Indiana

ATTEST:

\_\_\_\_\_  
Marcey J. Wisman, City Clerk